

JOURNAL OF THE SENATE

Friday, April 27, 1945

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Thursday, April 26, 1945.

The President in the Chair.

The roll was called and the following Senators answered to their names:

Mr. President	Bryant	Griner	Moon
Ausley	Carroll	Johns	Perdue
Barringer	Clarke	Johnson	Riddle
Baynard	Coleman 13th	King 7th	Sanchez
Beacham	Coleman 28th	King 27th	Shands
Black	Davis	Lewis	Sheldon
Boyle	Fraser 29th	Lindler	Sturgis
Brackin	Fraser 31st	Mathews	Thomas
Branch	Gray	McArthur	Wilson

—36.

A quorum present.

Senator McKenzie was excused from attendance upon the session.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of Thursday, April 26, 1945, was corrected as follows:

Page 30, column 2, between lines 8 and 9, counting from the bottom of the column, insert the following:

Yeas—35.

Mr. President	Bryant	Griner	Moon
Ausley	Carroll	Johns	Perdue
Barringer	Clarke	Johnson	Sanchez
Baynard	Coleman 13th	King 7th	Shands
Beacham	Coleman 28th	King 27th	Sheldon
Black	Davis	Lewis	Sturgis
Boyle	Fraser 29th	Lindler	Thomas
Brackin	Fraser 31st	Mathews	Wilson
Branch	Gray	McArthur	

Nays—None.

And as corrected was approved.

REPORTS OF COMMITTEES

Your Committee on Forestry and Parks, to whom was referred:

By Senator Black—

S. B. No. 249—A bill to be entitled An Act to amend Section 589.23, Florida Statutes 1941, relating to the Florida Park Service.

Have had the same under consideration, and recommend that the same do pass.

Very respectfully,

J. GRAHAM BLACK,
Chairman of Committee.

And Senate Bill No. 249, contained in the above report, was placed on the Calendar of Bills on second reading.

Your Committee on Forestry and Parks to whom was referred:

S. B. No. 76—A bill to be entitled An Act creating Florida Forestry Compact Commission: Providing for the appointment, term of office and duties of the Commissioners: Providing for the authority of the Commission and authorizing it to negotiate with certain states with reference to the cultivation, protection, production, cutting, processing and marketing of timber and forest products, and for the establishment of such economic regulations as may be necessary to preserve and protect the forests and timber farming: providing that no compact shall be entered into which shall be binding upon the State of Florida until approved by the Legislature of Florida and Congress of the United States: providing for the submission to the Governor and the Legislature of recommendations of such Commission with reference to such proposed compacts.

Have had the same under consideration, and recommend that the same do pass, with the following amendment,

Which amendment reads as follows:

No. 1. In Section 1, sub-section (a), (typewritten bill) strike out the period, substitute a comma, and add the following: "one of which shall be from the membership of the Florida Board of Forestry and Parks."

Very respectfully,

J. GRAHAM BLACK,
Chairman of Committee.

And Senate Bill No. 76, contained in the above report, together with Committee Amendment thereto, was placed on the Calendar of Bills on Second Reading.

Your Committee on Engrossed Bills, to whom was referred (with amendments), after Third Reading:

S. B. No. 15—A bill to be entitled An Act authorizing the City of Jacksonville to accept payment of principal only on all delinquent taxes upon lands owned by the State of Florida under the Murphy Law.

Have carefully examined same, and find same correctly engrossed, and return same herewith,

Very respectfully,

K. GRINER,
Chairman of Committee.

And Senate Bill No. 15, contained in the above report, was referred to Committee on Enrolled Bills.

Your Committee on Engrossed Bills, to whom was referred (with amendments), after third reading:

S. B. No. 51—A bill to be entitled An Act creating the Florida State Advertising Commission; defining its powers and duties; and providing an appropriation for its operation and for advertising purposes.

Have carefully examined same, and find same correctly engrossed, and return same herewith,

Very respectfully,

K. GRINER,
Chairman of Committee.

And Senate Bill No. 51, contained in the above report, was referred to Committee on Enrolled Bills.

Your Joint Committee on Enrolled Bills, to whom was referred:

House Concurrent Resolution No. 2:

A Concurrent Resolution officially recognizing the story, life and achievements of Clara Barton, founder of the American Red Cross; setting aside the second Thursday of October, of each year as Clara Barton Day; requesting Congress of the United States to establish a Clara Barton Day.

Also—

H. B. No. 225—An Act to permit the qualified voters of the City of Sebring, in Highlands County, Florida, at the next General Election to be held in said city, as provided in its Charter, to decide whether sections 6, 9 and 11 of chapter 14371, Special Acts of the Legislature of Florida, session of 1929, and entitled: "An Act to amend Sections 9, 50, 57, 79, and 84 of Chapter 14371, Laws of Florida, approved June 8, 1929, and entitled "An Act to constitute, organize and establish a Municipality to be known and designated as the 'City of Sebring', in the County of Highlands and the State of Florida, and to define its Territorial Boundaries and to provide for its jurisdiction, powers, privileges, and to validate all obligations, contracts, debts, bonds, ordinances, assessments and levies, and to repeal chapter 11158, Laws of Florida, Acts of 1925, and all other laws or parts of laws in any way in conflict with this Act insofar as they affect the same but no further," be amended as herein provided; to provide a form of ballot to be used at said election and the certifying of the returns thereof:

Also—

H. B. No. 227—An Act to validate and legalize in the purchaser, or purchasers, and their successors and assigns in

title, the title to all property sold by the City of Leesburg, Florida, through foreclosure of delinquent city taxes, or special assessments, by the city of Leesburg, Florida, under the provisions of Chapter 15,038, Acts of 1931, Laws of Florida, or any Acts Amendatory thereto.

Also—

H. B. No. 228—An Act authorizing and permitting the City of Leesburg, Florida, a municipal corporation in Lake County, Florida, to provide for life, health, accident, hospitalization or annuity insurance, or all or any kinds of such insurance, for its employees, upon a group insurance plan; to enter into agreements with insurance companies to provide such insurance; to deduct periodically from the wages of any employee upon written request of such employee any premium or portion of premium for such insurance.

Also—

H. B. No. 247—An Act relating to the compensation of the Clerk of the Circuit Court of St. Lucie County, Florida, as ex-officio Clerk of the County Court of said County, for services performed in suits or proceedings before the County Court of St. Lucie County, Florida.

Also—

H. B. No. 120—An Act to amend Section 599.05, Florida Statutes 1941, as amended by Chapter 21,809, Acts of 1943, relating to the imposition of excise tax upon citrus fruit by increasing said excise tax on oranges from one cent to two cents upon each standard packed box and changing the method for computing such tax on grapefruit and oranges when purchased, acquired or handled on a weight basis.

Also—

H. B. No. 220—An Act to amend Section 409.10, Florida Statutes, 1941, relating to employees of the State Welfare Board and their salaries.

Also—

H. B. No. 241—An Act rectifying, ratifying, confirming, validating and legalizing the assessments, valuations of properties, levies of taxes, tax certificates, the filing and recording of lists of tax certificates, and tax sales, made by the City of Stuart, Martin County, Florida, for the Years A. D. 1943 and 1944, and authorizing the collection of said taxes in the manner provided by law.

Also—

House Concurrent Resolution No. 5:

A resolution requesting the Congress of the United States and the agencies having in charge the disposition of quantities of materials, commodities and equipment not now necessary to the prosecution of the war, to enact such laws and adopt such rules as will enable individual users and consumers to acquire said materials by purchase direct from the official or agency having charge of such commodities.

Have examined the same and find them correctly enrolled.

The same having been duly signed by the Speaker and Chief Clerk of the House of Representatives, we herewith present the same for the signature of the President and Secretary of the Senate.

Very respectfully,

T. DREW BRANCH,

Chairman of the Joint Committee on Enrolled Bills
on the part of the Senate.

Your Joint Committee on Enrolled Bills, to whom was referred:

H. B. No. 118—An Act to make it unlawful for hogs, cattle, horses, mules, sheep and goats to run at large in DeSoto County, Florida, and to provide for the impounding and sale of such animals when found at large in violation of this act, and to provide punishment for the owners of such animals who wilfully permit the same to run at large in violation of this act, and for prosecution of such persons, and to provide and to determine what is due process of law in the making of such sale, and to provide for the disposition of funds arising from the sale of such animals and to provide for the payment of the costs, charges and expenses of the administration of this act, and providing for a referendum thereon.

Beg leave to report that same has this day been presented to the Governor for his approval.

Very respectfully,
T. DREW BRANCH,

Chairman of the Joint Committee on Enrolled Bills
on the part of the Senate.

Your Joint Committee on Enrolled Bills, to whom was referred:

S. B. No. 14—An Act authorizing and empowering the Board of County Commissioners in and for Duval County, Florida, and the Budget Commission of said County, to levy taxes and appropriate funds for the erection, equipment and maintenance of a Juvenile Detention and Court Building, to be erected on any lands owned or hereafter acquired by Duval County, as the County Commissioners may determine; and to provide offices for the Juvenile Court and Probation Officers, and such assistants as may be authorized by law; and authorizing the employment of personnel, including matrons and attendants for the care and supervision of juvenile delinquents detained by the Probation Officers and the Judge of the Juvenile Court, as may be provided by law.

Beg leave to report that the same has this day been presented to the Governor for his approval.

Very Respectfully,
T. DREW BRANCH,

Chairman of the Joint Committee on Enrolled Bills
on the part of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senators Baynard, Beacham and Coleman (13th Dist.)—

S. B. No. 288—A bill to be entitled An Act relating to the salaries of the Judges of the Circuit Court residing in a county having a population of more than thirty-nine thousand inhabitants, according to the latest Federal Census, and in a Circuit composed of two Counties, and providing for a portion of such salaries to be paid from the general revenue of such Counties and making same a County purpose.

Which was read the first time by title only.

Senator Beacham moved that the rules be waived and Senate Bill No. 288 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 288 was read the second time by title only.

Senator Beacham moved that the rules be further waived and Senate Bill No. 288 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 288 was read the third time in full.

Upon the passage of Senate Bill No. 288 the roll was called and the vote was:

Yeas—36.

Mr. President	Bryant	Griner	Moon
Ausley	Carroll	Johns	Perdue
Barringer	Clarke	Johnson	Riddle
Baynard	Coleman 13th	King 7th	Sanchez
Beacham	Coleman 28th	King 27th	Shands
Black	Davis	Lewis	Sheldon
Boyle	Fraser 29th	Lindler	Sturgis
Brackin	Fraser 31st	Mathews	Thomas
Branch	Gray	McArthur	Wilson

Nays—None.

So Senate Bill No. 288 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Baynard—

S. B. No. 289—A bill to be entitled An Act creating Florida Utility Board for the State of Florida; prescribing the powers, duties and authority thereof; regulating the sale and service of gas, electricity and water within the State of Florida; fixing the number, terms and compensation of the members of the Florida Utility Board and the method of naming the first members thereof; giving said board power to employ an attorney, rate experts and engineers; providing for the filing of reports and the furnishing of information to said Florida Utility Board by all of the utilities operating in the State of

Florida, as defined in this Act; giving certain powers and rights to members of Florida Utility Board; prescribing the procedure for investigations and giving said board the power, after hearings, to fix rates within the State of Florida for the sale by persons, municipalities, counties, political subdivisions of the State of Florida, firms or corporations, of gas, water and electricity; defining certain violations of this Act as misdemeanors and prescribing the punishment therefor upon conviction thereof; giving Florida Utility Board power to prescribe rules and regulations affecting the sale of gas, water and electricity within the State of Florida; prohibiting the charging of excessive rates, tolls or charges for the sale of gas, water or electricity within the State of Florida; prohibiting discrimination in rates, charges and tolls for the sale of gas, water or electricity within the State of Florida, as between different purchasers or users thereof; prohibiting refunds and rebates by utilities in the State of Florida; giving the Florida Utility Board, its members and employees, power to inspect accounts, books, records and papers of the utilities doing business in the State of Florida, and conferring upon said Florida Utility Board the same powers of investigation and examination, under oath, of officers, agents and employees of utilities as is now given under the Laws of this State to the State Railroad Commission, in the exercise of such powers over railroads, railroad companies, common carriers and telephone and telegraph companies; requiring said Florida Utility Board to keep proper minutes; providing for the payment of salaries and expenses of said Florida Utility Board; giving said Florida Utility Board full power to act within the authority conferred by this Act, independent of any department or agency of the State of Florida; providing the procedure and prescribing the limitations of said Florida Utility Board in ascertaining and promulgating just and reasonable rates, tolls and charges governing the users of gas, water or electricity within the State of Florida, and making it unlawful for any utility, as defined in this Act, to charge more than the rates fixed and promulgated by said Florida Utility Board; giving Florida Utility Board power to prescribe rules and regulations affecting the sale of gas, water and electricity within the State of Florida; prescribing a method of determining the investment of any utility under the terms hereof and limiting the return of such investment; and prescribing other duties, powers and rights incident thereto.

Which was read the first time by title only and referred to the Committee on Public Utilities.

By Senator Brackin—

S. B. No. 290—A bill to be entitled An Act for the relief of Mrs. Eliza McKinney.

Which was read the first time by title only and referred to the Committee on Pensions and Claims.

By Senators Riddle, Mathews and King (27th Dist.)—

S. B. No. 291—A bill to be entitled An Act to provide one-half pint of whole milk and four ounces of fresh orange juice each school day for each child in the elementary grades of the public free schools of the State of Florida.

Which was read the first time by title only and referred to the Committee on Education and the Committee on Appropriations, in the order named.

By Senator Johns—

S. B. No. 292—A bill to be entitled An Act relating to safety upon the public highways of the State of Florida; providing that funds derived from this Act be credited to the various Counties of the State of Florida and to the Old Age Assistance Fund; abolishing the State Highway Patrol; placing certain duties in connection therewith upon the Sheriffs of the several Counties of the State; providing for licensing of chauffeurs and other operators of motor vehicles; to provide for the suspension, cancellation and revocation of such licenses; to provide for certain liabilities, penalties and punishment for the violation of this Act; to provide for examination for licenses and providing generally that the powers heretofore exercised by the Department of Public Safety under Chapter 20451, Laws of Florida, Acts of 1941, shall be performed and exercised by the several Sheriffs of the respective Counties of the State of Florida; providing for the disposition of all property held by the Department of Public Safety and repealing Chapter 20451, Laws of Florida, Acts of 1941, establishing the State Department of Public Safety and providing for its duties and powers.

Which was read the first time by title only and referred to the Committee on Judiciary "C".

By Senator Sanchez—

S. B. No. 293—A bill to be entitled An Act to regulate, control, fix and establish standard measures for containers of wheat flour and provide penalties for the violation thereof.

Which was read the first time by title only and referred to the Committee on Judiciary "B".

By Senator King (7th Dist.)—

S. B. No. 294—A bill to be entitled An Act amending Chapter 20737, Laws of Florida, Acts of 1941, being an Act entitled "An Act fixing the salaries of the Judges of Criminal Courts of Record in counties having a population of not less than 55,000 nor more than 85,000 according to the last preceding Federal Census" by making said Chapter applicable to all Counties having a population of not less than 55,000 nor more than 90,000 according to the last preceding Federal census.

Which was read the first time by title only.

Senator King (7th Dist.) moved that the rules be waived and Senate Bill No. 294 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 294 was read the second time by title only.

Senator King (7th Dist.) moved that the rules be further waived and Senate Bill No. 294 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 294 was read the third time in full.

Upon the passage of Senate Bill No. 294 the roll was called and the vote was:

Yeas—36.

Mr. President	Bryant	Griner	Moon
Ausley	Carroll	Johns	Perdue
Barringer	Clarke	Johnson	Riddle
Baynard	Coleman 13th	King 7th	Sanchez
Beacham	Coleman 28th	King 27th	Shands
Black	Davis	Lewis	Sheldon
Boyle	Fraser 29th	Lindler	Sturgis
Brackin	Fraser 31st	Mathews	Thomas
Branch	Gray	McArthur	Wilson

Nays—None.

So Senate Bill No. 294 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Beacham—

S. B. No. 295—A bill to be entitled An Act relating to the salaries of the Judges of the Circuit Court residing in a County having a population of between thirty-nine thousand and eighty-five thousand inhabitants, according to the latest Federal Census, and in a Circuit composed of not more than three Counties, and providing for a portion of such salaries to be paid from the general revenue of such Counties and making same a County purpose.

Which was read the first time by title only.

Senator Beacham moved that the rules be waived and Senate Bill No. 295 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 295 was read the second time by title only.

Senator Beacham moved that the rules be further waived and Senate Bill No. 295 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 295 was read the third time in full.

Upon the passage of Senate Bill No. 295 the roll was called and the vote was:

Yeas—36.

Mr. President	Bryant	Griner	Moon
Ausley	Carroll	Johns	Perdue
Barringer	Clarke	Johnson	Riddle
Baynard	Coleman 13th	King 7th	Sanchez
Beacham	Coleman 28th	King 27th	Shands
Black	Davis	Lewis	Sheldon
Boyle	Fraser 29th	Lindler	Sturgis
Brackin	Fraser 31st	Mathews	Thomas
Branch	Gray	McArthur	Wilson

Nays—None.

So Senate Bill No. 295 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senators Beacham, Fraser (29th Dist.) and Coleman (28th Dist.)—

S. B. No. 296—A bill to be entitled An Act providing for an additional ground for a divorce.

Which was read the first time by title only and referred to the Committee on Judiciary "C".

By Senator Barringer—

S. B. No. 297—A bill to be entitled An Act prescribing the compensation and mileage of the County Commissioners of Sarasota County, Florida, and providing for payment thereof.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 297 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Barringer moved that the rules be waived and Senate Bill No. 297 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 297 was read the second time by title only.

Senator Barringer moved that the rules be further waived and Senate Bill No. 297 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 297 was read the third time in full.

Upon the passage of Senate Bill No. 297 the roll was called and the vote was:

Yeas—36.

Mr. President	Bryant	Griner	Moon
Ausley	Carroll	Johns	Perdue
Barringer	Clarke	Johnson	Riddle
Baynard	Coleman 13th	King 7th	Sanchez
Beacham	Coleman 28th	King 27th	Shands
Black	Davis	Lewis	Sheldon
Boyle	Fraser 29th	Lindler	Sturgis
Brackin	Fraser 31st	Mathews	Thomas
Branch	Gray	McArthur	Wilson

Nays—none.

So Senate Bill No. 297 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Mathews—

S. B. No. 298—A bill to be entitled An Act for the promotion of safety for employees and travelers upon railroads by compelling common carriers by railroad to limit the length of trains not to exceed a certain number of cars or length, prescribing the duties, rights and powers of the Railroad Commission and the Attorney General in connection thereof, to provide a penalty for the violation thereof, and repealing all laws and parts of laws in conflict therewith.

Which was read the first time by title only and referred to the Committee on Transportation and Traffic.

By Senator Ausley—

S. B. No. 299—A bill to be entitled An Act vesting title to all islands, sand bars, shallow banks, small islands and submerged lands in the tidal waters of the State of Florida, the title to which is not now vested in private ownership, in the Trustees of the Internal Improvement Fund of the State of Florida and empowering said Trustees to dispose of, sell and convey the same and repealing all laws in conflict herewith.

Which was read the first time by title only and referred to the Committee on Judiciary "C".

By Senator Mathews—

S. B. No. 300—A bill to be entitled An Act providing that all motor vehicles operated for hire upon the public roads and highways of Duval County, Florida, within a radius of fifteen (15) miles of the present city limits of the City of Jacksonville, Florida, be exempted from the jurisdiction and control of the Florida Railroad Commission.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 300 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Mathews moved that the rules be waived and Senate Bill No. 300 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 300 was read the second time by title only.

Senator Mathews moved that the rules be further waived and Senate Bill No. 300 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 300 was read the third time in full.

Upon the passage of Senate Bill No. 300 the roll was called and the vote was:

Yeas—36.

Mr. President	Bryant	Griner	Moon
Ausley	Carroll	Johns	Perdue
Barringer	Clarke	Johnson	Riddle
Baynard	Coleman 13th	King 7th	Sanchez
Beacham	Coleman 28th	King 27th	Shands
Black	Davis	Lewis	Sheldon
Boyle	Fraser 29th	Lindler	Sturgis
Brackin	Fraser 31st	Mathews	Thomas
Branch	Gray	McArthur	Wilson

Nays—None.

So Senate Bill No. 300 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

CONSIDERATION OF OTHER RESOLUTIONS

Senate Concurrent Resolution No. 5:

WHEREAS, the Legislature of the State of Florida by Chapter 12261, Laws of Florida, Acts of 1927, established one scholarship for men at the University of Florida and one scholarship for women at Florida State College for Women for each senatorial district in the State; and

WHEREAS, these scholarships have not been provided during recent years because funds were not available to carry out the purposes of this Act; and

WHEREAS, there is urgent need for an increased number of capable students to prepare to teach or to serve their State in some other capacity;

NOW, THEREFORE BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA, THE HOUSE OF REPRESENTATIVES CONCURRING:

That the 1945 Legislature affirm its intention that these scholarships shall become fully operative and that this provision of the law shall be made effective beginning on July 1, 1945.

Was taken up in its order and read the second time in full.

The question was put on the adoption of the Concurrent Resolution.

Which was agreed to.

And Senate Concurrent Resolution No. 5 was adopted, and the action of the Senate was ordered certified to the House of Representatives.

Senator King (27th Dist.) asked unanimous consent of the Senate to take up and consider House Bill No. 324, out of its order, at this time.

Which was agreed to.

H. B. No. 324—A bill to be entitled An Act providing for the distribution and use of race track funds allocated to DeSoto County, Florida, under Chapter 14832, Laws of Florida, Acts of 1931, or any act amendatory or supplementary thereto, or any other race track acts.

Was taken up.

Senator King (27th Dist.) moved that the rules be waived and House Bill No. 324 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 324 was read the second time by title only.

Senator King (27th Dist.) moved that the rules be further waived and House Bill No. 324 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 324 was read the third time in full.

Upon the passage of House Bill No. 324 the roll was called and the vote was

Yeas—36.

Mr. President	Bryant	Griner	Moon
Ausley	Carroll	Johns	Perdue
Barringer	Clarke	Johnson	Riddle
Baynard	Coleman 13th	King 7th	Sanchez
Beacham	Coleman 28th	King 27th	Shands
Black	Davis	Lewis	Sheldon
Boyle	Fraser 29th	Lindler	Sturgis
Brackin	Fraser 31st	Mathews	Thomas
Branch	Gray	McArthur	Wilson

Nays—None.

So House Bill No. 324 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Shands moved that the rules be waived and the Bills now before the Committee on Finance and Taxation be permitted to remain in the Committee more than the seven days provided by the Rule.

Which was agreed to by a two-thirds vote, and it was so ordered.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Message from the House of Representatives was received and read:

Tallahassee, Florida, April 26, 1945.

Hon. Walter W. Rose,
President of the Senate,

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Senator Black—

Senate Memorial No. 1:

WHEREAS, the Federal Government in honorably discharging certain members of the Armed Services of the United States because they were over the age of 38 years, made no provision for discharge benefits for them similarly as in the case of younger members of the Armed Services honorably discharged;

WHEREAS, men discharged because they were 38 years of age or older when called into service left their homes, families and occupations and suffered the same deprivations and dislocations as other members of the Armed Forces and upon their discharge should have been accorded the same discharge benefits and considerations as other discharges, and thereby placed on a basis of equality with other discharges from the Armed Services.

THEREFORE BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA, THE HOUSE OF REPRESENTATIVES CONCURRING, THAT:

Section 1. That the Legislature of the State of Florida does hereby memorialize and petition the Congress of the United States to accord to all men who were granted honorable discharges from the Armed Services because they were 38 years or older the same benefits and treatment which the Congress has provided for men discharged from the Armed Services who were under the age of 38 years.

Section 2. That copies of this Resolution be forthwith transmitted to Florida's Senators and Representatives in the National Congress.

And respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk House of Representatives.

And Senate Memorial No. 1, contained in the above Message, was referred to the Committee on Enrolled Bills.

The following Message from the House of Representatives was received and read:

Tallahassee, Florida, April 26, 1945.

Hon. Walter W. Rose,
President of the Senate,

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Senator Carroll—

S. B. No. 165—A bill to be entitled An Act to amend Section 626.09, Florida Statutes 1941, relating to statements to be published by the Insurance Commissioner during month of March.

By Senators Carroll and Sanchez—

S. B. No. 166—A bill to be entitled An Act to prohibit the further organization of assessment life associations in the State of Florida.

By Senator Coleman (13th Dist.)—

S. B. No. 189—A bill to be entitled An Act amending Sections 182.03, 182.04, 182.10, 182.15, and 182.21, Florida Statutes 1941, relating to the Board of Commissioners of the Police Officers' Insurance and Annuity Fund and to the Police Officers' Insurance and Annuities.

And respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk House of Representatives.

And Senate Bills Nos. 165, 166 and 189, contained in the above Message, were referred to the Committee on Enrolled Bills.

The following Message from the House of Representatives was received and read:

Tallahassee, Florida, April 26, 1945.

Hon. Walter W. Rose,
President of the Senate,

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives returns herewith—

By Senator Brackin—

S. B. No. 231—A bill to be entitled An Act providing for the distribution of all monies accruing and allocated to Okaloosa County, Florida, under Chapter 14832, Laws of Florida, Acts of 1931, or any act amendatory or supplemental thereto, or any other race track acts; authorizing and directing the payment of three thousand dollars of such fund to a health unit in said county; forty percent of the balance of said funds after deducting the three thousand dollars for said health unit to be paid to the Board of County Commissioners of Okaloosa County, Florida, to be held by them for the sole purpose of constructing and repairing a jail and a court house in Crestview, Okaloosa County, Florida; sixty percent of the balance of said fund after deducting the three thousand dollars for said health unit to be paid to the Board of County Commissioners of Okaloosa County, Florida; providing for the distribution of the unused or unexpended portion of the three thousand dollars if the said health unit is not operated; repealing Chapter 20601, Laws of Florida, Acts of 1941, being An Act authorizing and requiring the Board of County Commissioners of Okaloosa County, Florida, to apportion and distribute one-half of all monies and funds received by such Board of County Commissioners under the provisions of and resulting from Chapter 14832, Laws of Florida, Acts of 1931, and any amendments thereto, for the current construction and maintenance, and repairing of the public free schools of such county; repealing Chapter 21035, Laws of Florida, Acts of 1941, being An Act providing for the distribution and use of race track funds allocated to Okaloosa County, Florida, under Chapter 14832, Laws of Florida, Acts of 1931, or any act amendatory or supplementary thereto, of any other race track acts; and providing that the State Treasurer, the State Comptroller or other official having the authority to disburse said funds shall pay such funds to the County Board of Public

Instruction for Okaloosa County, Florida; repealing Chapter 21719, Laws of Florida, Acts of 1943, being An Act to appropriate \$3000 of racing revenue to the support of the local health unit in all counties of the state having a population of not less than 12,890 and not more than 12,910, according to the Federal Census of 1940; and repealing all laws or parts of laws in conflict herewith.

For the purpose of further consideration.

Respectfully,

LAMAR BLEDSOE,

Chief Clerk House of Representatives.

Senator Brackin moved that the rules be waived and the Senate do now reconsider the vote by which Senate Bill No. 231 passed the Senate on April 23, 1945.

Which was agreed to by a two-thirds vote and the Senate reconsidered the vote by which Senate Bill No. 231 passed the Senate on April 23, 1945.

The question recurred on the passage of Senate Bill No. 231.

Pending roll call, Senator Brackin moved that the further consideration of Senate Bill No. 231 be informally passed.

Which was agreed to and it was so ordered.

The following Message from the House of Representatives was received and read:

Tallahassee, Florida, April 26, 1945.

Honorable Walter W. Rose,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Mr. Floyd of Franklin—

H. B. No. 77—A bill to be entitled An Act amending Section 2, Chapter 22058, Laws of Florida, Acts of 1943, so as to provide that candidates for delegates to national conventions of political parties shall designate their choice for their party's nominee for President or designate their desire to be "uninstructed" delegates.

And respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,

Chief Clerk, House of Representatives.

And House Bill No. 77, contained in the above Message, was read the first time by title only and referred to the Committee on Privileges and Elections.

The following Message from the House of Representatives was received and read:

Tallahassee, Florida, April 26, 1945.

Honorable Walter W. Rose,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Mr. Okell of Dade—

H. B. No. 212—A bill to be entitled An Act providing for the protection of zoned property in the State of Florida and making it a felony to violate any such zoning ordinance and prescribing a penalty therefor.

And respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,

Chief Clerk, House of Representatives.

And House Bill No. 212, contained in the above Message, was read the first time by title only and referred to the Committee on Judiciary "C".

The following Message from the House of Representatives was received and read:

Tallahassee, Florida, April 26, 1945.

Honorable Walter W. Rose,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed by the required Constitutional three-fifths vote of all members elected to the House of Representatives for the 1945 Session of the Florida Legislature:

By Messrs. Holland and Poston of Bay—

H. J. R. No. 217—A Joint Resolution proposing an amendment to Article VIII of the Constitution of the State of Florida relative to assessment of property for taxes and the collection of taxes, by adding thereto additional sections to provide that in the county of Bay, State of Florida, the county tax assessor shall assess the property of the county for the purpose of levying state, county, school and municipal taxes levied by the state, county, county school board, school districts, special tax school districts and municipalities of the county.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That the following Amendment to Article VIII of the Constitution of the State of Florida relative to the Assessment and Collection of all taxes in the County of Bay, State of Florida, by adding thereto additional sections to be known as Section 14 and Section 15, be and the same is hereby agreed to and shall be submitted to the Electors of the State of Florida for ratification or rejection at the general election to be held on the first Tuesday after the first Monday in November, 1946, as follows:

Section 14.1. From and after January 1, 1948, the County Tax Assessor in the County of Bay, State of Florida, shall assess all property for all State, County, School and Municipal taxes to be levied in the County by the State, County, County School Board, School Districts, Special Tax School Districts and Municipalities.

2. The Legislature shall at the Legislative Session in 1947 and from time to time thereafter, enact laws specifying the powers, functions, duties and compensation of County Tax Assessor, designated in paragraph 1 of this Section 14, and shall likewise provide by law for the extension on the assessment roll of the County Tax Assessor of all taxes levied by the State, County, County School Board, School Districts, Special Tax School Districts and Municipalities.

Section 15.1. From and after January 1, 1948, the County Tax Collector in the County of Bay, State of Florida, shall collect all taxes levied in the County by the State, County, County School Board, School Districts, Special Tax School Districts and Municipalities.

2. The Legislature shall at the Legislative Session of 1947, and from time to time thereafter enact laws specifying the powers, functions, duties and compensation of County Tax Collector designated in paragraph 1 of this Section 15, and shall likewise provide for the collection, care, custody, reporting and disbursement of all taxes collected by the County Tax Collector.

And respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,

Chief Clerk, House of Representatives.

And House Joint Resolution No. 217, contained in the above Message, was read the first time in full and referred to the Committee on Constitutional Amendments.

The following Message from the House of Representatives was received and read:

Tallahassee, Florida, April 26, 1945.

Honorable Walter W. Rose,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Mr. Hancock of Madison—

House Memorial No. 2:

Requesting Congress to make study of federal governmental bureaus and agencies and where possible to do so without sacrificing efficiency, to abolish or consolidate such bureaus and agencies, and to provide for strict supervision of their affairs.

And respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,

Chief Clerk, House of Representatives.

And House Bill No. 103, contained in the above Message,

was read the first time in full and referred to the Committee on Judiciary "C".

The following message from the House of Representatives was received and read:

Tallahassee, Florida, April 26, 1945.

Hon. Walter W. Rose,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Mr. McMullen of Hillsborough—

H. B. No. 103—A bill to be entitled An Act amending Section 918.10 of the Florida Statutes 1941 relating to instructions by the court to the juries in criminal trials.

By Messrs. Oelkers and Okell of Dade—

H. B. No. 180—A bill to be entitled An Act declaring the offer for sale or sale of tickets of any common carrier or tickets to any place of amusement, athletic contest or exhibition for which an admission price is charged, to be unlawful when the price demanded or sale is more than \$1.00 above the price charged by the original seller thereof, and providing for penalty for the violation of this Act.

By Mr. Carlton of Duval—

H. B. No. 209—A bill to be entitled An Act to permit a fraternal benefit society to sell, assign and transfer all of its assets, property and reserves to a duly incorporated, authorized legal reserve life insurance company, and providing for the transfer of said assets, property and reserves of a fraternal benefit society to such purchaser and assignee, and providing for the assumption by such legal reserve life insurance company of all the obligations and liabilities of said society to its members, and provided for the reinsurance of the contracts, policies and membership certificates of the members of such fraternal benefit society by such authorized legal reserve life insurance company and to do everything necessary to give said members the same benefits and protection they were entitled to of and from said society, and providing for the repeal of any law or part of law in conflict with the provisions of this act.

And respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk House of Representatives.

And House Bill No. 103, contained in the above Message, was read the first time by title only and referred to the Committee on Judiciary "B".

And House Bill No. 180, contained in the above Message, was read the first time by title only and referred to the Committee on Judiciary "B".

And House Bill No. 209, contained in the above Message, was read the first time by title only and referred to the Committee on Insurance.

The following message from the House of Representatives was received and read:

Tallahassee, Florida, April 25, 1945.

Hon. Walter W. Rose,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed by the required Constitutional two-thirds vote of all Members of the House of Representatives present, the Governor's objection to the contrary notwithstanding—

By Mr. Peters of Dade—

House Bill No. 736 (1943 Session):

An Act to amend Section 412.02 Florida Statutes 1941, so as to permit recipients of Old Age Assistance to work as agricultural workers during the war, and for six months thereafter, without having such assistance discontinued or reduced, and suspending the operation of all laws for the duration of said amendment.

And respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk House of Representatives.

And House Bill No. 736 (1943 Session), contained in the above message, was read by title and placed on the Calendar.

The motion made by Senator Gray on April 25, 1945, to place House Bill No. 90, reported unfavorably by the Committee on Finance and Taxation, on the Calendar of Bills on Second Reading, was taken up.

The question was put.

Upon which a roll call was demanded.

Upon adoption of the motion made by Senator Gray the roll was called and the vote was:

Yeas—23.

Mr. President	Brackin	Fraser 31st	Moon
Ausley	Branch	Johnson	Riddle
Barringer	Carroll	King 7th	Sturgis
Baynard	Coleman 13th	King 27th	Thomas
Black	Coleman 28th	Lewis	Wilson
Boyle	Davis	Mathews	

Nays—13.

Beacham	Gray	McArthur	Sheldon
Bryant	Griner	Perdue	
Clarke	Johns	Sanchez	
Fraser 29th	Lindler	Shands	

So the motion failed of adoption by the required two-thirds vote.

SENATE BILLS ON THIRD READING

S. B. No. 82—A bill to be entitled An Act amending Section 561.46, Florida Statutes, 1941, providing excise tax upon beverages; prohibiting sale of mixed drinks by beer and wine vendors; repealing Chapter 20829, Laws of Florida, Acts of 1941; and repealing Chapter 22026, Laws of Florida, Acts of 1943; all pertaining to the beverage law.

Was taken up in its order and read the third time in full.

Pending roll call on the passage of Senate Bill No. 82, Senator Beacham moved that the rules be waived and when the Senate adjourns it adjourn to reconvene at 2 o'clock, P. M., Monday, April 30, 1945.

Which was agreed to by a two-thirds vote and it was so ordered.

The question recurred on the passage of Senate Bill No. 82.

Upon the passage of Senate Bill No. 82 the roll was called and the vote was:

Yeas—22.

Ausley	Branch	Johnson	Riddle
Barringer	Carroll	King 7th	Sanchez
Baynard	Coleman 13th	King 27th	Sturgis
Black	Coleman 28th	Lewis	Wilson
Boyle	Davis	Mathews	
Brackin	Fraser 31st	Moon	

Nays—14.

Mr. President	Fraser 29th	Lindler	Sheldon
Beacham	Gray	McArthur	Thomas
Bryant	Griner	Perdue	
Clarke	Johns	Shands	

So Senate Bill No. 82 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Coleman (13th Dist.) moved that a committee be appointed to escort the Honorable Claude Pepper, United States Senator from Florida, to a seat on the rostrum of the Senate.

Which was agreed to.

And the President appointed Senator Coleman (13th Dist.) as the committee.

Senator Clarke asked unanimous consent of the Senate to take up and consider House Bill No. 188, out of its order, at this time.

Which was agreed to.

H. B. No. 188—A bill to be entitled An Act to provide a

period of limitations on actions to enforce or foreclose certain mortgages or other instruments encumbering real estate, to provide for the extension of the lien of such instruments by extension agreement, to provide for the filing and recording of such extension agreements, to provide for the entry on the margin of the record of such instruments of a reference to the filing for record of the extension agreements, and to fix the fee of the clerk of the court for filing and recording such extension agreements, and for the entry on the record of such instruments of a reference to the extension agreements.

Was taken up.

Senator Clarke moved that the rules be waived and House Bill No. 188 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 188 was read the second time by title only.

Senator Clarke moved that the rules be further waived and House Bill No. 188 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 188 was read the third time in full.

Upon the passage of House Bill No. 188 the roll was called and the vote was:

Yeas—33.

Mr. President	Branch	Fraser 29th	King 27th
Ausley	Bryant	Fraser 31st	Lewis
Barringer	Carroll	Gray	Lindler
Baynard	Clarke	Griner	Mathews
Beacham	Coleman 13th	Johns	McArthur
Black	Coleman 28th	Johnson	Perdue
Brackin	Davis	King 7th	Riddle

Sanchez

Shands

Sheldon

Sturgis
Thomas

Nays—None.

So House Bill No. 188 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By unanimous consent Senator Clarke withdrew Senate Bill No. 145.

Senator Brackin moved that Senate Bill No. 103 be recalled from the House of Representatives.

Which was agreed to and it was so ordered.

Senator Sheldon moved that Senate Bill No. 185, reported unfavorably by the Committee on Welfare, be placed on the Calendar of Bills on Second Reading.

Pending adoption of the motion made by Senator Sheldon, Senator Sturgis moved that the rules be waived and the hour of adjournment be extended fifteen (15) minutes.

Which was agreed to by a two-thirds vote and it was so ordered.

Pending adoption of the motion made by Senator Sheldon, Senator Beacham moved that the rules be waived and the motion made by Senator Sheldon be made a Special and Continuing Order of Business for consideration by the Senate when the Senate convenes on Monday, April 30, 1945.

Which was agreed to by a two-thirds vote and it was so ordered.

The President requested Senator Claude Pepper to address the Senate.

Senator Pepper addressed the Senate.

The hour of adjournment having arrived, a point of order was called and the Senate stood adjourned at 1:15 P. M., until 2:00 P. M., Monday, April 30, 1945.